

Part 2 – Remarks

This Amendment and Response responds to the Office Action mailed June 28, 2006. An accompanying Petition for a Two Month Extension of Time and the fee therefor extends the time for response to November 28, 2006.

In the June 28 Office Action, claims 3, 7-9 and 24 were rejected as indefinite under 35 USC 112, second paragraph; claims 1-10 and 22-25 were rejected under 35 USC 102(b) as anticipated by US patent 5,836,909 to Cosmescu; claims 29-35 were rejected under 35 USC 102(b) as anticipated by US patent 4,901,719 to Trenconsky; claims 16-21 were allowed; and claims 11-15, 26-28 and 36-41 were noted as allowable if rewritten into independent form.

Reconsideration is respectfully requested in view of the preceding claim amendments and these remarks, with regard to pending claims 1-24 and 26-41.

Section 112 Rejection

Claim 3 should now be in acceptable form from a §112 standpoint, in view of the amendment of claim 1 to state that the recited features of the accessory connector are adapted to interact with the recited features of the electrosurgical unit and the electrosurgical accessory. This “adapted to” language has also been incorporated in amended claims 16 and 22 for the same reason of not making the electrosurgical unit and the electrosurgical accessory part of the claimed accessory connector.

The antecedent error in claim 7 has been corrected. Claims 7-9 should be now acceptable from a §112 standpoint.

Claim 25 has been canceled.

In addition, some of the original claims have been amended to correct typographical errors, to improve their form and to use consistent terminology.

Allowed and Allowable Claims

Claims 16-21 have been allowed. Note that claim 16 has been amended for the reasons discussed above in conjunction with the section 112 rejection.

Claim 11 has been amended into independent form by incorporating the subject matter of original claims 1 and 10, upon which original claim 11 previously depended.

Claim 11 should therefore be allowable as stated in the June 28 Office Action, along with claims 12-15 which depend on amended claim 11.

Claim 26 has been amended into independent form by incorporating the subject matter of claim 25, upon which it originally depended. Claim 26 should therefore be allowable as stated in the June 28 Office Action, along with claims 27 and 28 which depend on amended claim 26.

Claims 37-41 were noted in the June 28 Office Action as allowable if amended into independent form. However, claims 37 and 39 are already independent claims. Accordingly it is believed that claims 37-38 and 39-41 should have been noted as allowed, rather than allowable. Claims 37-41 have not been rejected.

#### Anticipation Rejections

Reconsideration of the anticipation rejection based on Cosmescu is respectfully requested, if that anticipation rejection might be considered applicable to amended claims 1-10 and 22-24.

Claims 1 and 22 have been amended in the manner set forth to recite a gas-assisted electrosurgical connector which is adapted to connect an electrosurgical unit and an electrosurgical accessory. In this regard, amended claims 1 and 22 are similar to allowed claim 16 and claim 39 (presumably allowed) which recite a connector and connection method between an electrosurgical unit and an electrosurgical accessory. The Cosmescu patent describes a smoke evacuation handpiece and not a connector which is adapted to connect an electrosurgical unit to an electrosurgical accessory. Cosmescu's handpiece incorporates a seal between two parts of the electrosurgical handpiece. Accordingly, claims 1 and 22 are believed to be patentably distinguishable from Cosmescu.

Claims 1 and 22 have also been amended in the manner set forth to recite that the sealed relationship is established principally with radial compression force during a range of relative axial connection movement extending from before the two mating pieces achieve a fully connected relationship. The basis for this amendment is found at page 17, lines 13-18, and at other places. This feature patentably distinguishes amended claims 1 and 22 from Trenconsky, because Trenconsky seals principally with axial compression

force in such a way that the connector must be fully connected before a seal is established, as discussed at page 3, line 12 to page 4, line 14. It should be noted that the Trenconsky '719 patent was reissued as Re 34,780. The distinctions between the present invention and Trenconsky can be better understood from the discussion in the application at page 3, line 12 to page 4, line 14, and at page 17, lines 9-18, among other places. Accordingly, amended claims 1 and 22 are also believed to patentable over Trenconsky.

Reconsideration of the anticipation rejection based on Trenconsky is respectfully requested, if that anticipation rejection might be considered applicable to amended claims 29-35.

Claim 29 has been amended in the manner set forth to more specifically recite the relationship to a gas-assisted electrosurgical accessory and to a gas-assisted electrosurgical unit, in a manner similar to the manner that presumably-allowable claim 39 relates to the electrosurgical accessory and the electrosurgical unit.

Claim 29 has also been amended make it clearer that the sealing relationship is established during a range of relative axial connection movement extending from before the two mating pieces achieve a fully connected relationship. Thus a finite range of axial separation of the two mating pieces from their fully connected position is achieved while the sealing relationship is maintained. This feature distinguishes from Trenconsky in that a fully connected relationship of the two mating pieces is required to achieve a seal, due to the axial compression of the sealing member. The present application discusses the difficulties of the Trenconsky arrangement and the significance of maintaining a sealing relationship over a finite range of axial movement of the two mating pieces at page 3, line 12 to page 4, line 14, and at page 17, lines 9-18, among other places. Accordingly, it is believed that amended claim 29, and its dependent claims 30-35, are patentable over Trenconsky.

#### Conclusion

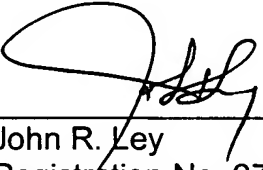
As a result of the claim amendments and remarks set forth above, it is believed that all pending claims in this application are in condition for allowance. Allowance is respectfully requested.

The Examiner is requested to contact the undersigned by telephone to discuss any issues which may inhibit the immediate allowance of the claims and the application.

Respectfully submitted,

Date: Nov. 27, 2006

By: \_\_\_\_\_

  
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